

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

REMARKS

Claims 1-10, 12-14, and 17-33 are pending in this application. Claims 21-26 and 27-30 are allowed. Claims 1, 6, 14, 28, 31, and 33 are amended. No new matter has been added. Reconsideration and allowance of the standing claims are respectfully requested.

At page 2, paragraph 2 of the Office Action claims 1, 6, 28, and 33 were objected to for various informalities. Applicant has amended these claims in a manner suggested by the Office Action and respectfully requests removal of this rejection. Applicant further submits that the above amendments are made to overcome a §112 rejection and are not made to overcome the cited reference[s]. Accordingly, these amendments should not be construed in a limiting manner.

Claim Rejection Under 35 U.S.C. § 102

At page 3, paragraph 3 of the Office Action claims 1-2, 5-7, 10, 13, 17, and 31-33 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Number 6,321,276 to Forin et al. ("Forin"). Applicant respectfully traverses the rejection based on the amendments and remarks submitted herein.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. *See* MPEP § 2131, for example.

Applicant submits that Forin fails to teach each and every element recited in claim 1. With respect to claim 1, Forin fails to teach, among other things, the following language:

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

at least one work queue ... to establish a connection-oriented virtual interface (VI) channel between a first node and each of one or more other nodes in a network based on local physical addresses of the other nodes....

According the Office Action, this language is taught by Forin at col. 15, lines 37-53.

Applicant respectfully disagrees. At the given cite, in relevant part, Forin teaches VI send queue and receive queue posted with descriptors that assist I/O requests. In contrast, the subject matter claimed in amended claim 1 recites at least one work queue to establish a connection-oriented virtual interface (VI) channel between a first node and each of one or more other nodes in a network based on local physical addresses of the other nodes. Consequently, Forin fails to teach all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1, and claims 2 and 5, which depend from claim 1.

Applicant submits that Forin fails to teach each and every element recited in claim 6. With respect to claim 6, Forin fails to teach, among other things, the following language:

a virtual interface (VI) work queue pair to establish a connection-oriented VI channel between the host and the remote node of the local network....

According the Office Action, this language is taught by Forin at col. 15, lines 37-53.

Applicant respectfully disagrees. At the given cite, in relevant part, Forin teaches a VI send queue and receive queue posted with descriptors that assist I/O requests. In contrast, the subject matter claimed in amended claim 6 recites a virtual interface (VI) work queue pair to establish a connection-oriented VI channel between the host and the remote node of the local network. Consequently, Forin fails to teach all the elements or features of the

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 6, and claims 7, 10, and 13, which depend from claim 6.

With respect to claim 17, Applicant submits that this claim depends from claim 14, which was not rejected as being anticipated by Zorin. Applicant respectfully submits that an anticipation rejection with respect to claim 17 is improper because claim 17 depends from claim 14 and thus must include additional features that further distinguishes claim 17 from claim 14. Accordingly, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claim 17.

Applicant submits that Forin fails to teach each and every element recited in claim 31. With respect to claim 31, Forin fails to teach, among other things, the following language:

obtaining a local physical address for a first node of a network;
obtaining a legacy or global physical address for the first node based on the local physical address of the first node;
obtaining a local physical address for a second node in the network;
establishing a connection-oriented virtual interface (VI) channel between the first node and the second node based on the local physical address of the second node using a work queue pair....

Consequently, Forin fails to teach all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 31, and claims 32, which depends from claim 31.

Claim 33 was amended in a manner similar to claim 31 and for analogous reasons respectfully requests removal of the anticipation rejection with respect to claim 33.

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

Claim Rejection Under 35 U.S.C. § 103

At page 9, paragraph 4 of the Office Action claims 3, 4, 8, 9, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Forin. Applicant respectfully traverses the rejection based on the amendments and remarks submitted herein.

At page 12, paragraph 5 of the Office Action claims 12, 14, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Forin in view of United States Patent Publication Number 2005/0058147 to Regnier et al. ("Regnier"). Applicant respectfully traverses the rejection based on the amendments and remarks submitted herein.

Applicant respectfully submits that to properly reject a claim under 35 U.S.C. § 102(e), the Office Action must meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that claim 1 is non-obvious and patentable over Forin because Forin fails to teach or suggest the features of claim 1 recited above. Therefore, Applicant

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

respectfully request withdrawal of the obviousness rejection with respect to claims 3 and 4 because they depend from claim 1 on the basis that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Applicant submits that claim 6 is non-obvious and patentable over Forin because Forin fails to teach or suggest all the features of claim 6 recited above. Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 8 and 9 because they depend from claim 6 on the basis that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Applicant submits that claim 14 is non-obvious and patentable over Forin. Therefore, Applicant respectfully request withdrawal of the obviousness rejection with respect to claims 18 and 19 because they depend from claim 14 on the basis that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

The combination of Regnier with Forin also fails to teach or suggest each and every element of claim 6 recited above. Therefore, Applicant respectfully submits that claim 6 is patentable and non-obvious on view of Regnier and Forin, taken alone or in combination. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 12, which depends from claim 6, on the basis that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

Furthermore, Forin and Regnier, taken alone or in combination, fail to teach or suggest all the elements recited in claim 14. With respect to claim 14, Forin and Regnier fail to teach or suggest, among other things, the following language:

establishing a connection-oriented virtual interface (VI) channel between a first node and each of multiple other nodes in a network based on local physical addresses of the other nodes using a work queue pair... and determining a first physical address to a network address correspondence for a node of the network using a single address resolution protocol (ARP)....

Therefore, Applicant respectfully request withdrawal of the obviousness rejection with respect to claim 14, and claim 20, which depends from claim 14.

At page 14, paragraph 7 of the Office Action claims 21-30 are allowed.

For at least the above reasons, Applicant submits that claims 1-10, 12-14 and 17-33 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

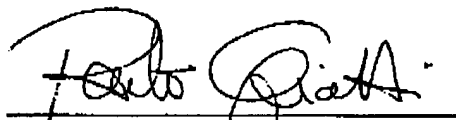
Application No. 09/599,000
Amendment Dated November 9, 2005
Reply to Office Action of August 9, 2005

It is believed that claims 1-10, 12-14, and 17-33 are in allowable form.

Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9324 to discuss
any matter concerning this application.

Respectfully submitted,
KACVINSKY LLC


Roberto Capriotti, Reg. No. 46,599
Under 37 CFR 1.34(a)

Dated: November 9, 2005

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the
date shown below to the United States Patent and Trademark Office.


Deborah L. Higham

11/09/05
Date